

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JACK WILLING, *et al.*,

Plaintiffs,

v.

COMMUNITY ASSOCIATION  
UNDERWRITERS OF AMERICA, INC., *et*  
*al.*,

Defendants.

Case No. C06-1357RSL

ORDER REQUESTING  
SUPPLEMENTAL BRIEFING

This matter comes before the Court on a motion for a protective order filed by defendants Community Association Underwriters of America, Inc. ("CAU") and American Alternative Insurance ("AAIC"). (Dkt. #10). Plaintiffs have served CAU and AAIC with notices to take Rule 30(b)(6) depositions. Defendants allege that the depositions should occur by telephone rather than in Seattle because requiring their witnesses to travel to Seattle from the East Coast would result in undue burden and expense, particularly because they will refuse to answer questions on 6 of the 8 listed topics on the grounds of attorney-client privilege and/or work product.

In response, plaintiffs assert that the privileges do not apply because, among other reasons, they seek to learn facts, not the contents of privileged communications. Resolution of

1 the privilege issue will determine how lengthy and substantive the depositions will be, which in  
2 turn will influence whether the Court will require that the depositions occur in person in Seattle  
3 rather than via telephone. However, the current record is insufficient to resolve the issue.

4 Accordingly, the parties are ORDERED to provide supplemental memoranda on the  
5 applicability of the attorney-client privilege and work product protection to topics 1-6 listed in  
6 the 30(b)(6) deposition notices.

7 Plaintiffs shall file a motion to compel on that subject no later than January 3, 2007 and  
8 note the motion for consideration on January 19, 2007. Defendants shall file their opposition by  
9 January 12, 2007, and plaintiffs' reply, if any, must be filed by January 19, 2007.

10 The Clerk of the Court is directed to renote defendants' motion for a protective order  
11 (Dkt. #10) on the Court's calendar for January 19, 2007.

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13 DATED this 8th day of December, 2006.

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16 Robert S. Lasnik  
17 United States District Judge  
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